



Council of the European Union
General Secretariat

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WORKING DOCUMENT

From: General Secretariat of the Council
To: Delegations

N° prev. doc.: ST 12935/25 + ADD 1 - related documents;
N° Cion doc.: D 109559/1

Subject: Commission Regulation (EU) .../... of XXX amending Regulation (EC) No 1223/2009 of the European Parliament and of the Council as regards the use in cosmetic products of certain substances classified as carcinogenic, mutagenic or toxic for reproduction

Delegations are informed that on 17 September 2025, document ST 12935/25 + ADD 1 was circulated in all languages through the Delegates Portal:

Commission Regulation (EU) .../... of XXX amending Regulation (EC) No 1223/2009 of the European Parliament and of the Council as regards the use in cosmetic products of certain substances classified as carcinogenic, mutagenic or toxic for reproduction (CMR group of perboric acid and its salts)

Under the procedure in Article 5a(3a) of Council Decision 1999/468/EC, such draft measures, before being formally adopted by the Commission, are submitted to the European Parliament and to the Council for scrutiny.

Acting by a qualified majority, **within three months** from the date of referral to it, the Council may oppose the adoption of the draft measure by the Commission, if the measures:

- exceed the implementing powers provided for in the basic instrument;
- are not compatible with the aim or content of the basic instrument; or
- do not comply with the principles of subsidiarity and proportionality.

The above draft measure is in accordance with the opinion of the relevant Committee which on 10 September 2025 approved the draft measure with 23 votes ‘yes’; 1 vote ‘no’; and 3 abstentions.

Should any delegation consider that there are reasons to oppose the draft measure as described above, they are kindly requested to inform the Council Secretariat (chemicals@consilium.europa.eu) by **4 November 2025 cob at the latest**.

In case there is no such opposition, it will be deemed that the Council has no reason to oppose the draft measure, thus allowing the Commission to formally adopt it after the three-month deadline which expires on 15 December 2025. In case of opposition, the matter may be brought for discussion at the next feasible Working Party meeting.

Possible linguistic remarks should be addressed at the Commission services directly to: GROW-COSMETICS-AND-MEDICAL-DEVICES@ec.europa.eu.